

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JACK E. MAHURIN,

Plaintiff,

vs.

BMW OF NORTH AMERICA, LLC, and
BAYERISCHE MOTOREN WERKE
AKTIENGESELLSCHAFT,

Defendants.

CIVIL ACTION

CASE NO. 2:20-cv-1351-WSH

Honorable W. Scott Hardy

STIPULATION SELECTING ADR PROCESS

Counsel report that they have met and conferred regarding Alternative Dispute Resolution (ADR) and have reached the following stipulation pursuant to L.R. 16.2 and the Court's ADR Policies and Procedures.

I. PROCESS

Select one of the following processes:

- ☒ Mediation
- ☐ Early Neutral Evaluation (ENE)
- ☐ Court sponsored Binding¹
- ☐ Arbitration
- ☐ Court sponsored Non-binding Arbitration
- ☐ Other (please identify process and provider)

If you are utilizing a private ADR process, such as the American Arbitration Association, be advised that the case is still governed by the Court's ADR Policies and Procedures. It is the responsibility of counsel to ensure that all of the proper forms are timely submitted and filed, as required by Policies and Procedures.

II. COSTS

The parties have agreed to share the ADR costs as follows (do not complete percentages for Court sponsored arbitration. For that process, costs are paid by the Court in accordance with 28 USC §658.):

- 50 % by Plaintiff(s)
- 50 % by Defendant(s)
- % by Third Party Defendant(s)

If a dispute arises as to compensation and costs for the mediator/neutral evaluator/private

¹ For binding arbitration, please complete form "Stipulation to Binding Arbitration" located on the Court's website at www.pawd.uscourts.gov

arbitrator, the Court will set reasonable compensation and costs.

III. NEUTRAL

The parties hereby designate by agreement the following individual to serve as a Neutral in the above-styled action:

Name of Neutral:	Robert J. Behling
Address of Neutral:	48 26th Street, Pittsburgh, PA 15222
Telephone & FAX Numbers:	(412)-995-3193 412-995-3300 (F)
Email address of Neutral:	rjbehling@burnswwhite.com
<u>Date of ADR Session:</u>	<u>To be determined (January 24 or February 4, 2022)</u>

The parties represent that they have contacted the selected prospective neutral and have determined that the neutral is available to conduct the ADR session within the time prescribed by the Court's Policies and Procedures and that the neutral does not have a conflict.

IV. PARTICIPANTS

Name and title of the individual(s) who will be attending the mediation or early neutral evaluation session, **in addition to counsel**, in accordance with **Section 2.7 (Attendance at Session)** of the Court's ADR Policies and Procedures:

Chad Shannon	Jack E. Mahurin
Attorney for Plaintiff	Plaintiff
Matthew Berard and Jim Marrion	BMW NA LLC
Attorneys for BMW NA LLC	Defendant
	Eduardo Maximo Aviles
	Corporate Representative

If there is insufficient space to list all parties who will be attending the session, please add additional sheets as necessary.

Each party certifies that the representative(s) attending the ADR session on its behalf has full and complete settlement authority, **as specified in sub-section (A)(1-3) of the above section of the Court's ADR Policies and Procedures.**

V. ACKNOWLEDGMENT

We, the undersigned parties to this action, declare that this stipulation is both consensual and mutual.

Dated: December 28, 2021

/s/ Chad P. Shannon

Attorney for Plaintiff

Dated: December 28, 2021

/s/ Matthew G. Berard

Attorney for Defendant BMW NA LLC

/s/ Jim F. Marrion

Attorney for Defendant BMW NA LLC